

**GARVEY TIRELLI & CUSHNER LTD.**

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March 3, 2016

Honorable Judge Robert D. Drain  
United States Bankruptcy Judge  
UnitStates Bankruptcy Court  
300 Quarropas Street  
White Plains, NY 10601

RE: In re Francine Silva Ch 13 Case Number 14-23184 (rdd) S.D.N.Y.  
Status Report Pertaining to Your Honor's Directives of February 24, 2016

Dear Honorable Judge Drain:

Please accept this letter as a status report pertaining to the directive Your Honor Issued to Caliber Home Loans in open court on January 13, 2016 and again on Wednesday, February 24, 2016 to turn over certain transfer documents discussed at length on record on January 13, 2016. As appalling as it is, I have to report that Caliber has once again ignored Your Honor's directives.

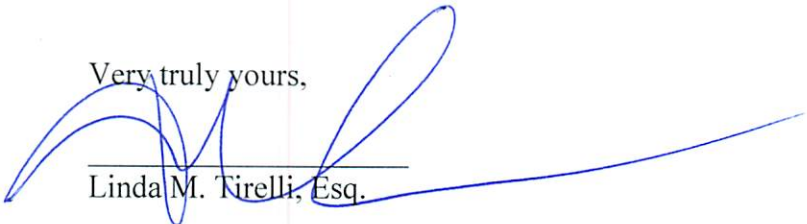
You may recall that I was not present in court on February 24, 2016 and this case was covered by my law partner, Mr. Cushner. However, it is my understanding that on February 24, 2016 Your Honor sternly directed Caliber for the second time to produce the transfer documents to my office within 1 week on or before Wednesday, March 2, 2016. It is 6:30PM on March 3<sup>rd</sup> 2016 and I have no communication whatsoever from Caliber or its counsel of record.

For Your Honor's information, I am enclosing a copy of a certified letter dated January 15, 2016 addressed to both Ms. Keisha Handsome, "SPOC Specialist" identified as the single point of contact at Caliber to oversee Ms. Silva's loan modification application and Mr. Joe Anderson, CEO of Caliber. Local counsel, Mr. Griswold, was copied on the letter as was the Debtor. I am further enclosing a printed report from the United States Postal Service confirming the letter was received at Caliber headquarters at 11:46a.m. on January 19, 2016. In my letter I listed the documents which were directed to be produced before the February 24<sup>th</sup> appearance. Despite passage of time this letter has not been acknowledged nor responded to by Caliber or its counsel of record. It is clear that Caliber takes Your Honor's second chance directive to be a "suggestion" and has opted to disregard the same. The continued lack of response is indicative of bad faith on the part of Caliber and an act of contempt for this Court.

I respectfully request Your Honor's consent to submit an Order to Show Cause mandating a representative with actual and personal knowledge of the file and transfer documents appear in court with all documents requested at the next scheduled conference on March 27, 2016.

Your Honor's time and consideration to this case is most appreciated. I look forward to appearing before the Court next week and remain

Very truly yours,



Linda M. Tirelli, Esq.

Enclosures

cc:

Robert Griswold, Esq.

Ms. Francine Silva

Greg Zipes, Esq., USDOJ, Office of the US Trustee

Jody Kava, Esq.

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\*\*\*\*Admitted NY, SDNY and EDNY

January 15, 2016

Caliber Home Loans  
Attn: Keshia Handsome, SPOC Specialist  
And Mr. Joe Anderson, CEO  
13801 Wireless Way  
Oklahoma City, Oklahoma 73134  
*Via First Class Certified US Mail RRR# 7015 0640 0005 9058 7588*

**In the Matter of:**

**My Clients / Your Customer:** Francine Paterra Silva, Chapter 13 Debtor

**Chapter 13 Case No.:** 14-23184 (rdd)

**Property:** 53 Boulevard Road, Pelham, NY 10803

**Mortgage Loan No.:** 9803839076

Dear Ms. Handsome and Mr. Anderson:

Please be advised that this firm continues to represent the above named debtor, Francine Silva, in the pending court ordered loss mitigation program and all matters pertaining to her chapter 13 bankruptcy. All communication must be addressed to the undersigned and there should be no direct contact with the Debtor. Ms. Handsome is named as the point of contact responsible for this file. If she is no longer working on this file please advise the undersigned and immediately forward this letter to the person responsible for this file. Mr. Anderson, I trust that as the CEO of Caliber you will encourage your employees to cooperate and answer the consumer requests in a timely fashion.

I am sure by now your lawyer advised you about the court's directives at the conference held on January 13, 2016. By way of follow up to the conference I am writing to ask that you comply with the court's directives and please provide the following documents and answers to questions below, without delay, so we can have a meaningful discussion about my client's loan and the ongoing court-ordered loss mitigation program. I am attaching a copy of 2 letters filed with the court the first denying my client a loan modification dated October 12, 2015 and the second explaining the first denial, lack of HAMP option and offer of a so-called loan modification dated January 11, 2016.

Please provide the following items:

1. Copy of the Asset Purchase Agreement pertaining to the purchase of my client's note from the prior owner;

2. Copy of the guidelines of the proprietary modification program for which the borrower was denied as referenced in the first line of the second paragraph on the second page of the January 11<sup>th</sup> letter;
3. Copy of the guidelines of the "new modification program" for which the borrower was approved as referenced in the 8th line of the second paragraph on the second page of the January 11<sup>th</sup> letter;
4. Copy of the transfer documents pertaining to the transfer of this loan from Chase as referenced in first paragraph on the second page of the January 11, 2016 letter;

Additionally, in preparation for our phone conference please advise as to the following:

1. Please provide your definition of "HAMP eligible" and the documents you rely on for your statement;
2. Have you (Caliber) signed a SPA letter for the HAMP program and presented the same to the investor? Please provide a copy;
3. From whom or what entity did Lone Star Fund 9 Master Participation Trust purchase the Borrower's loan? Please provide the documents you rely on for your response;
4. Referring to the so-called "new loan modification program" referenced in your January 11, 2016 letter and hereinabove, please advise as to:
  - a. The actual name of the program offered;
  - b. The new modification balance;
  - c. The interest rate relied on as minimum and maximum under the Debtor's current Note;
  - d. The amortization period;
  - e. The escrow analysis used in considering the trial plan offered to the Debtor;
  - f. The income used in considering the trial plan offered to the Debtor.
5. Please provide the interest rate considered by the investor and provide a copy of all home retention options offered by the investor;
6. Provide the maximum and minimum LTV requirements per the investor. Please provide documentation relied on for your statement;
7. Please provide a copy of the valuation relied on as referenced in your letter of January 11, 2016;
8. Please provide the amortization period used in calculating the payment used for the program for which the Debtor was denied;
9. Please provide the escrow analysis used in calculating the payment used for the program for which the Debtor was denied;
10. Please provide a copy of the calculations for both the proprietary modification for which the Debtor was denied and the new modification program for which the debtor was approved;
11. Please provide the identity of the individual who determined the Debtor was not HAMP eligible and not eligible for the proprietary modification, the date the determination was made and documentation relied upon;
12. Please define "Triple A Agreement" as used in your letter of January 11, 2016 and provide documentation relied on for your statement.

Thank you for your assistance. Once I receive the above referenced documents and answers to basic questions, I look forward to having a phone conference with yourself and your attorney. I remain

Very truly yours,

-COPY-  
Linda M. Tirelli, Esq.  
Ch 13 Debtor's Attorney

Enclosures

Cc: Robert Griswold, Esq.

Francine Silva

English

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Tracking Number: 70150640000590587588

### Product & Tracking Information

Postal Product:

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DATE & TIME

STATUS OF ITEM

LOCATION

January 19, 2016 , 11:46  
am

Delivered

OKLAHOMA  
CITY, OK 73134

Your item was delivered at 11:46 am on January 19, 2016 in OKLAHOMA CITY, OK 73134.

### Available Actions

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